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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

DOCUMENTS SUBMITTED IN COMPLIANCE WITH A SPECIAL DECISION OF THE COMMITTEE*

CROATIA

[11 January 1995]

1. The Republic of Croatia has prepared this report to provide additional information about measures taken to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the Republic of Croatia, pursuant to the decision of the Committee on the Elimination of Racial Discrimination and its letter No. G/SO 237/2(2) of 22 September 1994.

I. LACK OF CLARITY IN BASIC LEGAL PROVISIONS GUARANTEEING NON-DISCRIMINATION

2. The Constitution of the Republic of Croatia guarantees freedoms and rights to all persons regardless of their citizenship or national origin. Various terminology used in the Constitution follows the way in which the main international documents distinguish the expression "people" from the expression "minority". In order to achieve wider and more complete protection of minorities, the terms "communities" or "ethnic groups" are used in the Constitution on the basis of the international instruments, and especially, the Hague Convention of 4 October 1991.

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* This document contains additional information requested by the Committee on the Elimination of Racial Discrimination in its concluding observations adopted at the forty-third session (see A/48/18, paras. 496-506).

3. All constitutionally defined rights and freedoms apply to all citizens, except in cases where a provision of the Constitution specifies that something applies only to the citizens of the Republic of Croatia (for example, foreigners have no electoral rights).

4. The lack of clarity in a number of basic legal provisions is mainly caused by failures in translation. These expressions are mostly clear in the Croatian text and do not cause problems in practice.

5. Some terminological inconsistencies in the Constitution (largely caused by the exceptionally complex situation in which it was passed) are very clearly determined from the context. The interpretation of constitutional provisions has been accepted and is used without dilemma in constitutional court practice.

6. Besides, the Constitutional Court of the Republic of Croatia has been given the task by the Constitution itself to protect the constitutionally guaranteed human and civil freedoms and rights (art. 125 of the Constitution). To this end the institution of the constitutional complaint has been introduced into the Croatian legal system, thus extending the system of legal remedies available to the citizen and providing a specific means for the protection of individual rights. At the same time, the application of this mechanism will clarify the basic legal provisions guaranteeing non-discrimination.

7. The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia specifies, in article 61, that the districts awarded a special status can lodge a constitutional complaint with the Constitutional Court if they believe that decisions of the authorities have violated human rights and fundamental freedoms or the rights of ethnic and national communities or minorities protected under the Constitutional Law.

8. The institution of the constitutional complaint has been elaborated through the Constitutional Law on the Constitutional Court and the Rules of the Constitutional Court (NN 29/94). A constitutional complaint can be submitted to the Constitutional Court by any person who feels that one of his or her freedoms and rights guaranteed by the Constitution has been violated by a decision of a court, administration or other State authority. It is submitted after all other legal remedies have been exhausted. The Constitutional Court is authorized to repeal any act violating a constitutionally guaranteed right, and the authority whose act has been thus repealed is obligated to pass another act in lieu of the repealed one, with allowance being made for the legal opinion of the Constitutional Court concerning the violation of the complainant's constitutionally guaranteed freedoms and rights.

II. NATIONALITY LAW AND STATELESSNESS

9. The acquisition and termination of Croatian citizenship is regulated by the Law on Croatian Citizenship, the provisions of which are conceived to exclude the possibility of generating statelessness.

10. Under the legal system of the Republic of Croatia the basic principle governing the acquisition of Croatian citizenship is the principle of descent - ius sanguinis (blood relationship), whereas the principle of ius soli (country of birth) applies to listed cases and is designed to prevent the generation of statelessness. Articles 4 and 5 of the law stipulate the ways of acquiring Croatian citizenship by descent. Article 5 of the law also allows Croatian citizenship to be granted to a child living abroad when one parent is a Croatian citizen and the other is a foreigner. The acquisition of citizenship under this provision requires notification of registration of the child as a Croatian citizen or the child's settling in the Republic of Croatia. Registration or settling must take place by the time the child has reached the age of 18 years or the child will not acquire Croatian citizenship, except in cases in which the child would otherwise be rendered stateless.

11. The provisions of the law regulating the termination of citizenship are likewise designed to exclude the possibility of leaving persons stateless. Under article 18 of the law, a person cannot be relieved of Croatian citizenship who, inter alia, does not fulfil the precondition of having citizenship other than Croatian. Article 19 of the law goes even further in preventing the generation of statelessness: a person relieved of Croatian citizenship who fails to acquire foreign citizenship (i.e. becomes stateless) can within one year of the date of termination of Croatian citizenship regain Croatian citizenship by a decision repealing the citizenship termination decision. The period is longer in cases involving persons whose Croatian citizenship has been terminated and who have left the Republic of Croatia; they are in a more difficult situation than persons who have continued to live in the Republic of Croatia after the termination of their Croatian citizenship. Article 21 of the law, which specifies the conditions for the renouncement of citizenship, also stipulates that the person concerned must possess foreign citizenship.

12. Therefore, the above leaves no doubt that the provisions of the Law on Croatian Citizenship comply completely with the International Convention on the Elimination of All Forms of Racial Discrimination in its part related to the prevention of the tendency to generate statelessness and that they effectively forestall such tendencies.

III. WORK PERMITS FOR FOREIGNERS

13. The members of minority communities, as Croatian citizens, are under the same regime for the implementation of their right to work as any other Croatian citizen. A special regime, requiring work permits, applies to foreigners.

14. The granting of work permits to foreigners is regulated by the Law on the Employment of Foreigners. This law defines conditions under which a foreigner or a stateless person can work in the Republic of Croatia. Work permits under this law are granted to foreigners for a period of one year and to foreigners with permanent residence for a period of from one to three years.

15. The records of the Labour Office - Central Service, Zagreb, provide the following statistics (up to 25 November 1994):

Total number of requests	9,129
Total number of requests considered	9,040
Number of requests accepted	7,138
Number of requests rejected	1,796
Number of requests suspended because:	
(a) Submitted by Croats with foreign citizenship or by persons who are stateless	39
(b) Earlier work permits still valid	4
Requests returned for completion	63

16. Rejections were issued largely in compliance with article 4 of the Law on the Employment of Foreigners and the current labour market policy in the Republic of Croatia stipulating that a foreigner can be granted a work permit if the Labour Office has no properly qualified unemployed person on its records to fill a given vacancy.

17. Work permits are to be issued within 30 days as prescribed by the Law on the Adoption of the General Administration Procedure Act (NN 53/91).

IV. EDUCATIONAL BENEFITS FOR MEMBERS OF THE MINORITY COMMUNITIES

18. Education in minority languages is part of the Croatian educational system as a whole, subject to the same laws and statutes which are applicable to schools giving instruction in the Croatian language.

19. The specificities of schools and kindergartens teaching in minority languages are regulated by the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, and special laws defining the operation of certain degrees and types of schools (ranging from the pre-school to the secondary school level). Preliminary legislative action is under way to regulate the matter in a modern and comprehensive way through proper laws evaluating the various levels of education (pre-school, primary school and secondary school education).

20. Schools teaching in a minority language have a curriculum prescribed for their level and type of school, which includes study of the mother tongue, national culture and history. Such additional curriculums were introduced in 1984 for the "old" national minorities (those which were considered as national minorities before the passage of the 1991 Constitution), i.e. Italians, Hungarians, Czechs, Slovaks, Ruthenians and Ukrainians.

21. New additional curriculums are now being updated and prepared.

22. When Croatia gained its independence, in addition to the national communities or minorities which had existed before in Croatia, the members of the peoples constituting the former Yugoslavia also became national communities or minorities.

23. The national minorities which existed before Croatia's independence already enjoyed a high degree of education in their native languages in kindergartens, primary and secondary schools and even higher education institutions - the degree varying from one minority to another. This is due to different conditions, such as the population of the minority, its concentration in an area (or a place) and a series of other factors which have greatly influenced - and will continue do so in the future - decisions as to whether or not, and what, arrangements are to be made for school classes in a minority language or for some other forms of cultural activity.

24. The specific features of each national minority have resulted in different types of instruction and curriculum. There are four curriculum types in use:

(i) In addition to regular subjects taught in the Croatian language, the native language, literature, history, geography and art subjects are taught entirely in the minority language;

(ii) As above, but with bilingual instruction (in Croatian and in the minority language concerned);

(iii) The so-called cultivation curriculum, involving optional subjects in the mother tongue, culture and history of the national minority concerned;

(iv) "Summer school" courses in the mother tongue, culture and history of the national minority, attended by pupils during summer vacations, usually for a duration of 15 days.

All these programmes have been prepared by experts belonging to the national minorities and submitted for approval to the competent government body authorized to approve curriculums. After being accepted by the Ministry for Education and Sports, these additional curriculums become official and applicable in schools.

25. Which of these proposed curriculums will be used in a school attended by the members of a national minority depends on assessment by the minority community concerned and the local government authority as to which of them is best suited to their conditions. The choice of the programme and the method of teaching are defined in the municipal statute and the statute of the school.

26. In practice some national minorities (Italians, for example) choose the programmes involving complete teaching in their mother tongue, whereas others opt for programmes which include the cultivation of their mother tongue, history and culture (for example, Ruthenians and Ukrainians), although all minorities are equally free to choose.

27. Some national minorities (for example, Czechs) use the first three curriculum types: in some schools complete instruction is given in their mother tongue, whereas teaching in other schools is bilingual or includes the cultivation of their mother tongue and lessons in their culture and history.

28. The national minorities which have arisen following Croatia's independence have not yet declared their wish to have school classes in their mother tongue, with the exception of the largest minorities, the Serbian and Albanian minorities, for which additional curriculums are being prepared.

29. Those pupils belonging to national minorities who do not have organized teaching in their native language do not encounter any problems in attending school under the same conditions as Croatian pupils.

30. All the national minorities that have arisen following Croatia's independence have founded their own associations and cultural societies and have started issuing publications in their native languages. Some of them have shown more initiative and, consequently, have achieved more significant results. It is to be expected that, in due course, some of these national minorities will voice their need for one or other form of school classes in their mother tongue.

31. The work of minority associations and the implementation of minority curriculums are wholly financed by the State, whereas State financing for cultural societies and news bulletins often exceeds 90 per cent.

32. In the school year 1991/92, religion was introduced as an optional subject in primary and secondary schools. Religious courses are given in compliance with the programmes conceived by the respective religious communities and approved by the Ministry of Education and Sport, which is authorized to approve all curriculums in Croatia.

33. Religious curriculums have been proposed by the Roman Catholic, Serbian Orthodox, Islamic, Adventist, Baptist, Evangelist and other religious communities, and have been approved by the Ministry. Religious courses are also given in minority schools in the respective minority language of the religious group to which the pupils and their parents belong.

34. The publication of textbooks in minority languages is much more expensive than Croatian textbooks, because of the limited circulation. The cost difference is covered from the State budget, so that a pupil who belongs to a national minority pays the same retail price for a textbook as the Croatian pupil.

35. Most textbooks are translated from Croatian into minority languages. Some are printed as original textbooks, whereas others are imported from the countries of origin.

36. The publishing houses presently engaged in publishing minority textbooks are: NIRO "Edit", Rijeka (Italian minority), NIU "Jednota", Daruvar (Czech minority), "Magjar Kepes Ujsag", Osijek (Hungarian minority), "Nova Dumka",

Zagreb (Ruthenian and Ukrainian minority). The Serbian cultural society "Prosvjeta" is expected to soon start publishing textbooks for members of the Serbian community.

37. To meet the needs of the Italian minority in the area of Rijeka and Istria there are 24 kindergartens operating in 32 groups for 723 children living in Rijeka, Pula, Rovinj, Poreč and Bujština. The Italian language is used in 17 primary schools, of which 11 are principal and 6 subsidiary. There are 120 school classes attended by 2,137 pupils, taught by 181 teachers, located in Rijeka, Pula, Rovinj, Poreč, Novigrad, Umag and Buje. In addition, there are 4 secondary schools for the Italian minority, located in Rijeka, Pula, Rovinj and Buje, with 65 classes attended by 912 pupils. The Pedagogical Faculty of Pula incorporates three departments for courses in school teaching, pre-school education and Italian language and literature, attended by 47 students. It should be noted that one third of children in kindergartens and schools are given instruction in the Italian language and in some cases more than half of them are not members of the Italian minority.

38. The Czech minority has two kindergartens in Daruvar and Končanica, with 10 nurses and 147 children. Tuition is given in Czech in three primary schools in Daruvar, Končanica and Grubišno Polje, which, together with local schools, comprise 301 pupils. In 10 other schools subjects are taught in Croatian with extra courses in the Czech language, culture and history. These schools are attended by 621 pupils and run by 14 teachers. The Daruvar grammar school includes a class where 21 pupils learn the Czech language and study Czech culture and history. The introduction of Czech studies in economic, tourism and catering secondary schools is under way.

39. A total of 473 pupils, members of the Slovak minority, are taught Slovak as an optional subject by 7 teachers in 5 primary schools: in grades I to VII in Josipovac (114 pupils) and Jelisavac (117), in grades I to IV in Jurjevac (22), Markovac (89), and in grades V to VIII in Našice (71).

40. In 1994 a kindergarten offering bilingual education in Croatian and Hungarian was opened in Zagreb. Education in the Hungarian language and culture is provided at 18 primary schools in Osijek, while at one school in Osijek tuition is bilingual. A total of 348 primary school pupils are taught the Hungarian language, culture and history in the Republic of Croatia. The Hungarian language is taught by teachers of Hungarian origin, while other tuition is given by other teachers as well. In the Republic of Hungary some refugee schools have ceased to operate, and now 44 pupils are taught in Hungarian in two refugee schools.

41. For Ruthenians and Ukrainians living in the free part of the Republic of Croatia, a 10-day "summer school" was organized in Zagreb, in cooperation with the Ministry of Culture and Education, in 1992 and 1993, for 97 pupils belonging to these minorities. Tuition in language, history, geography, ethnography, music, culture, folklore and choreography was organized in three groups. Study of the Ukrainian language has been organized at schools in Kanjiža, Bebirna, Lipovljani and Zagreb.

42. The Jewish community of Zagreb maintains a kindergarten, "Mirjam Weiler", for 25 children. Hebrew courses are also organized on the premises of the Jewish Community.

43. Other minorities will, depending on their interest and readiness, be able to organize tuition and publishing of textbooks and didactic materials in their respective languages and scripts, in cooperation with the Ministry of Culture and Sport.

44. In 1994, a summer school was organized for Romany pupils, at which, for the first time in Croatia, they studied their language and culture.

45. Tuition in the languages of national minorities is given by teachers who are members of the respective minorities, who have either been educated in Croatia or come from their mother country. All national minorities for whom tuition in their own language is organized have educational counsellors belonging to the same minority. Bilingual school and pedagogical documentation is provided in Croatian and in the language of the minority.

V. THE ROLE OF THE MEDIA IN CREATING AN ATMOSPHERE OF TOLERANCE AND UNDERSTANDING AMONG THE VARIOUS MINORITY COMMUNITIES - THE INDEPENDENCE OF THE MEDIA FROM GOVERNMENT CONTROL

46. Article 38 of the Croatian Constitution guarantees freedom of expression, including freedom of the press and other media and free establishment of media enterprises. Censorship is prohibited and the Constitution furthermore recognizes journalists' right to freedom of reporting and access to information, as well as their right of reply. Accepting this approach, the Government of the Republic of Croatia, although it makes all legal efforts (appropriate in a democratic society) to establish an atmosphere of tolerance between the members of various minority communities, cannot control the media, which results occasionally in the expression of national intolerance in some of the media that are extreme in their orientation. Governmental control is imposed to the limits provided by article 39 of the Constitution, which introduces some limitations prohibiting incitement to war, violence, national, racial or religious hatred or intolerance.

VI. ACCESS TO EDUCATION AND EDUCATIONAL BENEFITS FOR "ALIENS", SUCH AS BOSNIAN STUDENTS IN OSIJEK

47. Foreign citizens study or specialize in the Republic of Croatia as:

(i) Private persons;

(ii) Recipients of scholarships from the Croatian Government, the Ministry of Science and Technology and other institutions, on the basis of bilateral and multilateral agreements;

(iii) Members of the Croatian minority living in European countries and overseas.

48. Foreign citizens studying or specializing in the Republic of Croatia as private persons share equal rights and obligations with domestic students regarding enrolment, accommodation and food, except that they have to pay the tuition fees, whereas such costs for domestic students are covered by the Ministry of Science and Technology. In the school year 1994/95 several hundred university enrolments have been made available to foreign students throughout Croatia. Foreign students also enjoy the right to apply for vacancies in student hostels, publicly announced twice a year in the media, their right to do so being specified in such announcements. Foreign students accommodated in student hostels enjoy all the benefits of food subsidies in student hostels. Funds for this are provided by the Ministry of Science and Technology.

49. If enrolled as regular students, foreign students, just like domestic ones, are granted student identity cards for using subsidized city transport.

50. Foreign citizens studying or specializing in the Republic of Croatia on the basis of bilateral or multilateral agreements are wholly taken care of by the Ministry of Science and Technology regarding study courses, accommodation, stay, transport, health insurance and other rights and obligations arising from the said agreements.

51. A number of foreign citizens are studying or specializing in the Republic of Croatia on the basis of business arrangements with some countries. The costs of their study are covered by the sending State.

52. As for the prospects of citizens of the Republic of Bosnia and Herzegovina to study in the Republic of Croatia, the following points should be made:

(a) In spite of major problems Croatia is faced with as a result of an increased number of refugee students and the reduced capacity of university and scientific institutions damaged in the war (Osijek, Zadar, Dubrovnik, Karlovac), Croatia has enabled the students from Bosnia and Herzegovina to continue their studies as guest students at all higher school institutions in Croatia, and a significant number of these students are even allowed to go on studying as regular students at Croatian universities, provided that they meet certain requirements prescribed by the law. According to information available to the Ministry of Science and Technology, 870 regular students from Bosnia and Herzegovina with refugee status have been enrolled.

(b) Croatia has accepted as guest students a greater number of foreign citizens, mainly from Asian and African countries (Sudan, Nigeria, Iran, etc.), who were forced to abandon Bosnia and Herzegovina owing to war operations.

(c) The Ministry of Science and Technology has favourably considered applications by citizens of Bosnia and Herzegovina for scholarships intended for the continuation of studies or specialization, as well as recommendations by the Embassy of the Republic of Bosnia and Herzegovina for acceptance of individual applications.

(d) The problems encountered at the "Josip Juraj Strossmayer" University, Osijek, with respect to the study and specialization of citizens of Bosnia and Herzegovina range from the purely technical (limited facilities and accommodation capacities) to the financial (covering of the costs of study of foreign citizens in general and those of Bosnia and Herzegovina in particular). There is a specific problem for 11 students from Bosnia and Herzegovina who have been financed so far by the SOROS Open Society. SOROS has undertaken to cover the assumed obligations by February 1995.

53. It should be noted that the "Josip Juraj Strossmayer" University has taken the heaviest toll of all Croatian universities as a result of the Serbian aggression against Croatia.

54. Certain categories of domestic students, too, have to cover tuition costs by themselves, if tuition is supposed to suit their personal needs.

VII. INDEPENDENCE OF THE JUDICIARY

55. The Constitution of the Republic of Croatia, adopted in 1990, provides for the division of authority into legislative, executive and judicial branches of power (art. 4). The judicial authority is independent.

56. Judicial office is permanent (in the former system judges were reelected every eight years, which greatly affected their independence). A judge can be relieved of judicial office only in the following cases, regulated by the Constitution: at his or her own request; if he or she becomes permanently incapable of performing the office; if he or she is sentenced for a criminal offence which has made him or her unworthy to perform the judicial office; or if, in conformity with the law, it is decided so by the High Judiciary Council of the Republic owing to the commission of a serious infringement of discipline (art. 120). In accordance with the Constitution and the law, judges are elected and relieved of duty by the High Judiciary Council, consisting of a chairman and 14 members, elected from among prominent judges, state attorneys, attorneys and university professors of law for an eight-year term (art. 121 of the Constitution). The first High Judiciary Council in the Republic of Croatia adopted and issued its Rules of Procedure on 25 November 1994 (Official Gazette 85/94).

57. The Law on Courts of 14 January 1994 (Official Gazette 3/94) provides for the independence of courts and defines them as bodies of government authority which exercise judicial authority independently and within the scope of activities and the powers defined by law (art. 2 of the Law on Courts). Any form of influence on judicial decision-making is prohibited, and in particular any use of public powers, mass media and appearance in public in order to influence the course and result of judicial proceedings. According to article 9 of the Law, judges and lay judges must not be called to account, be detained or punished for opinions expressed or their vote when a judicial decision is made. A judge must not be detained or a criminal procedure initiated against him without the approval of the High Judiciary Council (judicial immunity).

VIII. THE ELECTRONIC MASS MEDIA LAW

58. On the initiative of members of Parliament belonging to national minorities, the Law on the Amendments of the Law on Croatian Radio and Television was adopted. It stipulates that one of the members of the Croatian Radio and Television Council shall be selected from amongst Members of Parliament belonging to national minorities.

59. The new Law on Telecommunications (Official Gazette 53/94), adopted in 1994 (after the initial report was submitted to CERD), introduced some changes in regard to programmes for national minorities. Article 56, paragraph 1, point 5 points out that the programme for radio and television concessionaries should, in the first place, promote understanding for members of the national minorities. Article 64, paragraph 2 stipulates that a local concessionary of radio and television may broadcast programmes in dialects of the Croatian language used by the population in the concession area, as well as in the language of the minority living there. The length of the programme in Croatian dialects must not exceed 20 per cent of total programme time, while the length of the programme in a minority language should, if possible, correspond to the percentage of the minority in the total population of the concession area, but cannot exceed 50 per cent of the average length of the daily programme.

IX. EFFORTS TO PROVIDE HUMAN RIGHTS TRAINING FOR LAW ENFORCEMENT OFFICIALS

60. The Republic of Croatia actively cooperates with the international organizations and agencies in arranging seminars and other forms of education in the field of human rights.

61. The Republic of Croatia has participated in the Council of Europe programmes "Themis", "Demo-droit" and "Demosten"; in the Republic of Croatia the following events took place in 1994:

28-29 April: "New concept of the system of prisons", sponsored by the Ministry of Justice;

8-9 November: "Juvenile delinquency", sponsored by the Ministry of Justice;

15-16 November: "Role of the police in societies in transition", sponsored by the Ministry of Foreign Affairs;

22-23 November: "Functioning of the Ministry of Justice", sponsored by the Ministry of Justice;

7-8 December: "European Convention on Human Rights and the Republic of Croatia", sponsored by the Council of Europe;

12-13 December: "Independence of the judiciary", sponsored by the Ministry of Justice.

62. Croatian lawyers and government employees systematically take part in the training programmes offered in Strasbourg and in other European cities by the Council of Europe, which also offers courses in human rights law and a practice programme organized by the Institute of European Law, at the University of Birmingham.

63. From 7 to 9 June 1994 an international seminar, entitled "Human rights, the rights of national and ethnic communities or minorities and the rights of refugees" was held at the Faculty of Political Science in Zagreb, with the participation of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, University of Lund (Sweden).

64. Cooperation with the United Nations Centre for Human Rights is unfortunately far less developed than cooperation with the Council of Europe; nevertheless, the Republic of Croatia has submitted proposals for participation in the Centre's programmes.

X. APPOINTMENT OF PARLIAMENTARIANS BY THE SUPREME COURT

65. As the Constitution of the Republic of Croatia provides for the division of powers, the judicial, executive and legislative powers are independent of each other, and the appointment of a Member of Parliament by the Supreme Court would spoil that balance. The Law on the Election of Representatives to the Parliament of the Republic of Croatia provides for the election of representatives in free and direct elections, as the most democratic way of establishing a representative body.

XI. SCOPE OF ACTIVITIES UNDERTAKEN BY THE PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS AND THE RIGHTS OF MINORITIES AND NATIONAL COMMUNITIES AND THE SUB-COMMITTEE FOR THE RIGHTS OF MINORITIES

66. The Parliamentary Committee was established in order to define and monitor the implementation of the policy of human rights protection, with emphasis on minority rights. The Committee reviews the implementation of international law in that field and international programmes promoting international cooperation and understanding in the field of culture, education and scientific exchange, taking into account the individual interests of ethnic minorities.

67. The Committee and its Sub-Committee pay special attention, in accordance with their powers and scope of activities, to draft laws (in the course of their adoption), which directly or indirectly affect minority rights, and propose measures aimed at the exercise of these rights.

68. When draft laws are considered, all relevant international documents are taken into account, in order to develop Croatian legislation in the field of human and minority rights on the model of the highest European and world standards. All draft legislation in this field has been considered. The Committee and its Sub-Committee have made a number of comments on the draft law on the official use of the language and script of ethnic and national communities or minorities at the first reading, and on a series of already adopted laws in this field, for example, the Law on Telecommunications, the Law on Amendments to the Law on Croatian Citizenship,

the Law on Personal Name and the Law on Universities. On the initiative of Members of Parliament belonging to national minorities, the Law on the Amendment of the Law on Croatian Radio and Television was adopted. It stipulates that one of the members of the Croatian Radio and Television Council shall be from among Members of Parliament belonging to national minorities. Beside their activities in regard to drafting and adopting legislation, the two bodies monitor the implementation of minority rights guaranteed by the Constitution, the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, etc. The Committee has proposed that the Parliament monitor the implementation of this Law at least once a year.

69. The Committee and its Sub-Committee have monitored the exercise of cultural autonomy and the right to co-financing of cultural activities of national minorities.

70. The Sub-Committee has initiated the process of including Romany children in the regular school system: representatives of the Committee as well as the competent municipal bodies have visited Romany settlements several times and talked to their representatives, with a view to including Romany children in the school system and providing appropriate social welfare for them. The Committee supported the establishment of the summer school for Romanies, which has successfully taught Romany children their language, culture and customs.

XII. CONSULTATIONS BETWEEN THE OFFICE FOR INTER-ETHNIC RELATIONS AND ETHNIC OR NATIONAL ASSOCIATIONS OR ORGANIZATIONS

71. The Government Office for Inter-Ethnic Relations has held talks on around 40 occasions with representatives of various ethnic communities with a view to a better protection of minority rights. On the basis of the achievements of international documents in this field, the best solutions for Croatia are being sought.

72. Representatives of minorities have drawn attention to the following issues.

(a) Work methods and tasks of the Office

73. With regard to the new structure of legislative, judicial and executive authority in the Republic of Croatia, the Office has informed the representatives of national minorities that its functions will be in conformity with the tasks provided for by Government Decree. These tasks are as follows:

Proposing measures aimed at the exercise of ethnic rights;

Monitoring the implementation of international conventions on the protection of national, religious and cultural rights of minority members;

Gathering information in regard to the implementation of ethnic rights in Croatia and the world;

Proposing the application of models of the implementation of ethnic rights.

(b) Financial assistance

74. Programmes for national minorities are financed in accordance with the possibilities of the country. The Republic of Croatia has fulfilled the prerequisites for the implementation of minority rights in accordance with existing international documents. They are financed on the basis of competition between programmes, which can be in the field of culture, information or publishing, aimed at the preservation of ethnic identity. Programmes financed from the government budget must be of interest for all members of a minority, while other programmes compete at the local level.

(c) Working premises

75. Representatives of national minorities have often pointed to their difficulties in regard to working premises for cultural, information, publishing and other activities. The Office has forwarded this information to the competent authorities. It has sent a letter to all county prefects requesting them to assist in providing working premises. On the Office's proposal, the Government has done the same.

(d) Exercise of civil rights

76. During the talks, the fact was stressed that the exercise of civil rights for members of minorities is addressed within the institutions competent for the protection of these rights in the Republic of Croatia (Ministry of Internal Affairs, Ministry of Administration, Ministry of Justice, Parliamentary Committee for Complaints and Appeals, the Office of the Ombudsman), which, each within its powers, solves these related issues for all citizens of the Republic of Croatia.

(e) Representation of ethnic and national communities or minorities

77. Representatives of ethnic and national communities or minorities have been elected to the House of Representatives of the Parliament and representative bodies of the units of local self-government and administration in accordance with the electoral laws.

78. Ethnic and national minorities are acknowledged by the Constitution and the Constitutional Law, and they exist regardless of whether or not their members are organized in a non-governmental organization. The development of a model for partly realizing ethnic rights within NGOs, in accordance with the European standards of the autonomous exercise of interests and will is currently in process.

(f) Schools and education

79. It has been pointed out and agreed that the Ministry of Education and Sport should, within its regular operation, take over the co-financing of textbooks for the members of ethnic and national communities or minorities. Accordingly, the Office supplied a review of publishing activities, programmes

for the publication of textbooks and pedagogical documentation for 1992 and 1993, so that from the next fiscal year the Ministry of Education and Sport may plan and direct all activities for the publication of textbooks, from programming to their financing.

80. According to the same principle of competent authorities covering the exercise of ethnic rights of the members of ethnic and national communities or minorities, the Ministry of Culture and Education took over the co-financing of Italian drama of the National Theatre "Ivan Zajc" in Rijeka from 1 April 1993.

81. Transformation of property, access to the media, representation in the legislative, executive and judicial powers, social welfare and care and the reconstruction of destroyed facilities were also discussed with the representatives of the national communities and minorities. The basic tenet is to exercise ethnic rights through the institutions of the system whenever possible.

XIII. SITUATION IN THE GORSKI KOTAR REGION, WHERE THE CROAT AND SERB COMMUNITIES CO-EXIST IN UNDERSTANDING AND TOLERANCE

82. The Gorski Kotar region is situated in western Croatia bordering with the Republic of Slovenia in the north and north-west, the littoral of Rijeka in the south-west, the valley of Ogulin-Plaški and the lowlands along the Kupa river in the east and north-east, and the region of Lika in the south-east. In this region are the following settlements: Partizanska Drežnica, Jasenak, Musulinski Potok, Vitunje, Brstovac, Ljubošina, Gomirje, Vrbovsko and Srpske Moravice, in which the citizens of the Republic of Croatia of Croat and Serb origin alike live together. According to the 1991 census, 56.7 per cent of the population were Croats, 34.5 per cent Serbs and 8.8 per cent others.

83. In 1989 and 1990 the general political situation in Croatia and the former Yugoslavia was such that it also caused an increase in tendencies towards ethnic differentiation in the Gorski Kotar region. But, at the beginning of the changes which were to follow, including the April 1990 election, there was no ethnic political grouping. It was after the elections that new political parties were founded, with a number of representatives elected stepping over to newly founded parties, while others remained faithful to their original parties or became independent candidates. This prevented a purely ethnic division in this region and helped preserve the necessary level of confidence, especially in the executive branches of authority in the municipality of Vrbovsko, where the proportional ethnic representation was maintained. Unfortunately, the same cannot be said for the municipality of Ogulin (Partizanska Drežnca, Jasenak), where the local Serbian population gravitated to the Serb representatives in the municipality of Vrbovsko.

84. Although the Croat and Serb population in the Gorski Kotar region were against the war, the initiation of hostilities in the territory of the former Yugoslavia precipitated the arming in the region for the purposes of personal protection. The Croats armed and organized themselves within the Croatian police forces, while the Serbs were given a certain quantity of arms by the former Yugoslav People's Army. All the prerequisites for the

initiation of a war were there, but the will of most of the local citizens, Croat and Serb alike, was not. Furthermore, the political leadership on both sides was also a decisive factor in curbing extremism and preventing incidents. The local authorities of the municipality of Vrbovsko provided supplies to meet the basic needs of the local communities of Jasenak and Partizanska Drežnica at a time when it was impossible to reach them through the municipality of Ogulin. This cooperation contributed to the maintenance of peace.

85. Essential for the maintenance of peace in the critical period until the establishment of the Sarajevo ceasefire agreement on 3 January 1992 was the fact that neither Serbs nor Croats in this region used the arms in their possession or threatened the general safety of citizens and property of the Republic of Croatia. Through their representatives they advocated a political settlement of disputes, with respect for the authorities of the Republic of Croatia. Notwithstanding the situation, all companies and services operated normally during this period, as did railway and road traffic. Individual problems arising in this respect in the Gorski Kotar region were reflections of the fighting in the nearby regions and were the doing of individual persons.

86. The signing of the Sarajevo ceasefire agreement inaugurated a new phase in the relations of Croats and Serbs in the Gorski Kotar region. Although the danger of general conflict was still imminent, the representatives of the local authorities of the municipalities of Vrbovsko and Ogulin, conscious of the suffering and effects of the war in the neighbouring regions and encouraged by the Government of the Republic of Croatia and the representatives of the Serbs from the Gorski Kotar region, intensified their mutual contacts with a view to reaching an agreement on how to eliminate the danger of an armed conflict in this region. These contacts, which took place formally and informally, strengthened by the desire of the Serb representatives from the Gorski Kotar region to make their own decision on their destiny, led to an agreement whereby the representatives of the Serbs from the local communities of Partizanska Drežnica, Jasenak, Gomirje and Srpske Moravice undertook to return the arms that had been handed out to them by the former Yugoslav People's Army, while the Karlovac Police Department undertook not to initiate any proceedings against citizens in possession of such arms who returned them to the police stations, in accordance with the agreement. After the agreement was signed in Vrbovsko on 6 July 1992, with the UNHCR representative Mr. J.C. Concolato as a co-signatory, there followed the preparation of its implementation. Thus the official authorities of the Republic of Croatia took over full responsibility for the general situation in this region as well.

87. The Government of the Republic of Croatia confirmed the significance of this agreement by receiving a delegation of Serbs from the Gorski Kotar region, on which occasion it was further agreed that the Serbs from the Gorski Kotar region were not to be drafted for active service or into reserve units of the Croatian Army until the end of the summer of 1993. The Government held its promise even after that time, which was also acknowledged at the meeting of the official representatives of the Government of the

Republic of Croatia and the representatives of the inhabitants of the mostly Serb populated settlements in the Gorski Kotar region, held at Karlovac on 14 September 1994.

88. The state of human rights in the neighbouring regions and towns caused a certain number of ethnic Serbs to return to the Gorski Kotar region. In settlements with a majority ethnic Serb population, the general managers of public and private companies continued to be Serbs. A significant number of Croatian citizens of Serb origin who completed their education or moved into this region in the above-mentioned period were employed there.

89. In 1992 local elections were held in such a way that proportional representation of ethnic Serbs in the municipal council of Vrbovsko and the municipal executive authorities was achieved. In this way and by establishing local committees in all settlements where ethnic Serbs live, human rights problems are mostly settled through the regular institutions of the system.

90. In the above-mentioned period, subcommittees of the "Prosvjeta" Serb Cultural Society were established as NGOs. A committee for the celebration of the 400th anniversary of the migration of Serbs in the Gomirje region was also founded as an NGO, with the purpose of preserving the cultural and national identity of the Serbs in the Republic of Croatia, as well as developing tolerance and trust through cultural, publishing and research activities and the organization of cultural events and encouraging the development of this region. The Committee publishes a local newspaper. In September 1994, the Party of Social Development, advocating a just government and a just society, was founded. This party favours the development of tolerance and trust among the members of different ethnic communities, and the simultaneous preservation of their specific ethnic features. The Party publishes the "Demokracija" bulletin.

91. In the settlements of Gomirje, Partizanska Drežnica, Jasenak, Musulinski Potok, Vitunj and Srpske Moravice there are active Serbian Orthodox church communities. During the war, the Serbian Orthodox clergy from Srpske Moravice and Gomirje did not leave the territory of their parishes, and a parish priest even came to Partizanska Drežnica, where there had been none before the war.

92. Only a small number of Croatian citizens of Serbian nationality left the Gorski Kotar region in the above-mentioned period, which is positive and is owed primarily to the local population, regardless of their ethnic origin. The population of the Gorski Kotar region, believing that peace must come by all means, is primarily oriented towards the general development of the region. In this process, technical and financial support by the Government of the Republic of Croatia and international institutions is needed, which will contribute to the further development of understanding and tolerance in this region and the entire Republic of Croatia.

XIV. ILLEGAL AND ARBITRARY DETENTION OF "FOREIGNERS"

93. The treatment of foreigners in the Republic of Croatia is regulated in accordance with the Law on the Movement and Stay of Foreigners of 1991.

94. For foreigners who have violated the laws of the Republic of Croatia, i.e. perpetrated serious criminal offences, and therefore been sentenced to expulsion (criminal proceedings) or removal (magistrate proceedings) or have been denied further stay (administrative proceedings) - and their compulsory removal from the territory of the Republic of Croatia is impracticable - there are three temporary accommodation centres: in Zagreb (Dugo Selo), Rijeka and the island of Obonjan near Šibenik.

95. Their accommodation in the above-mentioned centres is fully legal, on the basis of article 66, paragraph 1 of the Law on the Movement and Stay of Foreigners, and it lasts only until the conditions are fulfilled for their removal.

96. At the moment, there are 58 persons in the above-mentioned three centres, of whom 9 are citizens of Serbia, 36 are citizens of the Republic of Bosnia and Herzegovina, 3 are citizens of Macedonia, 4 are citizens of Albania and one of Ethiopia, Ukraine, France and Jordan respectively. It should be pointed out that in spite of not meeting the legal requirements for a stay in the Republic of Croatia, the citizens of the Republic of Bosnia and Herzegovina are not being returned to their home country on account of the war in Bosnia and Herzegovina, but are accommodated in one of the centres.

97. Access to the temporary accommodation centres is free to all humanitarian organizations without exception.

98. In accordance with the law, paragraph 2 of the same article is also applied, according to which - if there are at least minimum conditions - foreigners are accorded stay at a known address (with relatives, friends and the like).

99. Although the conditions in the centres are not perfect, they provide for the basic needs of the foreigners accommodated there. The supply of food is organized and regular, the necessary hygienic conditions are provided and supervised, and medical care, contacts with humanitarian organizations and embassies are possible at any time. Foreigners are not held at the centres any longer than provided by the law.

100. It should be pointed out that the facilities of "Ježevo" are just being taken over; they will be adapted to serve as an accommodation centre that will meet all the required standards.

101. With regard to the activities undertaken for the prevention of criminal offences of violent and illegal arrest and detention of persons, it should be pointed out that at the time of the aggression against the Republic of Croatia an increased number of such criminal offences were recorded, but all the investigated cases showed that the offences were perpetrated by individuals or groups who were members of various paramilitary groups. The criminal investigation into these cases also showed that beyond any doubt they were motivated by national or religious hatred and intolerance, and that there were no illegal detention "camps", as stated in the Committee's letter, but some places where illegally detained persons were held. However, it has been

established beyond any doubt that there were a number of detention camps - prisons, some of them existing even now, on the occupied territory of the Republic of Croatia, established by the illegal local Serb forces.

102. During the aggression against Croatia during 1991 and 1992, the Ministry of Internal Affairs recorded 68 cases of arbitrary detention of persons, of which 50 were clarified and criminal proceedings were initiated against 96 perpetrators. Owing to the hostilities and the occupation of a part of the Croatian state territory, it was impossible to prosecute all such cases, but the legally relevant facts have been documented for reporting and eventual prosecution of the perpetrators of the criminal offences will take place.

103. With the subsiding of hostilities, from 1992 until today, 24 cases of illegal deprivation of freedom have been recorded, for which 36 persons have been reported, while only in two cases have the perpetrators remained unknown. It should be pointed out that these criminal offences, contrary to the ones perpetrated during the war, were perpetrated exclusively for criminal motives (blackmail, debt extortion, mutual feuds and the like).